

Amendment and Response Under 37 C.F.R. 1.116

Applicant: Kimberly Ann Newell et al.

Serial No.: 10/028,060

Filed: December 21, 2001

Docket No.: M233.101.101

Title: COMPUTERIZED LITIGATION MANAGEMENT SYSTEM

REMARKS

The following remarks are made in response to the Final Office Action mailed November 3, 2005. In that Office Action, the Examiner rejected claims 1-83 under 35 U.S.C. §103(a) as being unpatentable over Grow, U.S. Patent No. 6,694,315 ("Grow") in view of Bedell et al., U.S. Patent No. 6,622,128 ("Bedell").

With this Response, claims 1, 49, 62, and 80 have been amended. Claims 1-83 remain pending in the application and are presented for reconsideration and allowance.

Claim Rejections under 35 U.S.C. §103

The Examiner rejected claims 1-83 under 35 U.S.C. §103(a) as being unpatentable over Grow, U.S. Patent No. 6,694,315 ("Grow") in view of Bedell et al., U.S. Patent No. 6,622,128 ("Bedell"). Amended independent claim 1 is directed to a computer-based user interface for accessing litigation information associated with at least one litigation case, and recites "wherein at least one web page associated with one of the plurality of hyperlinks in the first plurality of hyperlinks includes a hyperlink to an electronic copy of a document related to the category identified by the hyperlink associated with the at least one web page."

The Examiner admits that Grow fails to disclose "the downloading of electronic copies being done via hyperlinks." (Office Action, page 3). Grow is primarily directed to the automatic generation of documents and docket date reminders, and, as acknowledged by the Examiner, includes no teaching or suggestion regarding a computer-based user interface for accessing litigation information as recited in independent claim 1. While Grow discloses downloading an assembled document to a user workstation (col. 6, lines 56-58), Grow does not teach or suggest "wherein at least one web page associated with one of the plurality of hyperlinks in the first plurality of hyperlinks includes a hyperlink to an electronic copy of a document related to the category identified by the hyperlink associated with the at least one web page", as recited in independent claim 1. The assembled document in Grow is a form document that has been combined with specific task data (e.g. party names). The form document is downloaded to the user so that the user can add the specific text (e.g. the argument or

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complaint). (Col. 6, lines 51-55). The form document is automatically sent to the user based on a notification date from an online docketing system rather than in response to a user selecting a hyperlink from a web page associated with a category of litigation information. (Col. 2, lines 36-47).

Bedell also fails to teach or suggest "wherein at least one web page associated with one of the plurality of hyperlinks in the first plurality of hyperlinks includes a hyperlink to an electronic copy of a document related to the category identified by the hyperlink associated with the at least one web page", as recited in independent claim 1. Bedell is primarily directed to a legal billing system. The method incorporates lawsuit planning, front end cost estimating, individual work budgeting, case staffing, case progress, time and fee accountability, guideline compliance, prioritization of work, maximized spontaneous communication on specific work items, isolation of fees, isolation of expenses and billing in a total package for all managers of litigation. The method and system of Bedell accounts for time and fees according to work products and eliminates disconnected chronologies of activity and time itemizations in bills. (Col. 11, lines 51-60). Bedell does not teach or suggest a hyperlink to an electronic copy of a document related to the category of litigation information.

Further, the Federal Circuit has stated "[i]n holding an invention obvious in view of a combination of references, there must be some suggestion, motivation, or teaching in the prior art that would have led a person of ordinary skill in the art to select the references and combine them in the way that would produce the claimed invention." *Karsten Mfg. Corp. vs. Cleveland Golf Co.*, 58 U.S.P.Q.2d 1286, 1293 (CAFC 2001). There is no suggestion in Grow or Bedell to combine the cited references in any way, let alone in a way that would produce the claimed invention. Grow and Bedell disclose different types of systems that serve different purposes, and Grow and Bedell are directed to solving different problems. Grow discloses an online document assembly and docketing method. In contrast, Bedell discloses an internet based attorney-client billing system. There is no teaching or suggestion to combine the online document assembly and docketing method of Grow with the internet based billing system of Bedell in a manner that would produce the invention recited by claim 1.

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In addition, in the Background of the Invention section of the present Application, Applicant discussed available computer-based tools that assist in the organization and storage of litigation documents. (Specification at page 1, lines 25-28). Applicant also identified various problems or disadvantages of these tools, including:

Computer-based tools such as these typically store litigation information in a database that must be queried by a user to obtain desired information. Queries may identify a date range, or a document description, or similar identification data, and often result in the return of multiple "hits". The returned hits occasionally identify the desired information, but often also identify a great deal of irrelevant information. A user must typically enter multiple queries and sort through irrelevant information before locating the desired information. (Specification at page 1, line 28, to page 2, line 4).

Grow and Bedell do not address the above-identified problems, and in fact, suffer from the same problems as these other computer-based tools.

In view of the above, Grow and Bedell, either alone, or in combination, do not teach or suggest each and every limitation of claim 1. Applicants respectfully request entry of the amendment to claim 1, request that the rejection of claim 1 under 35 U.S.C. §103(a) be withdrawn, and request allowance of this claim. Dependent claims 2-48 further define patentably distinct claim 1. Accordingly, dependent claims 2-48 are also believed to be allowable over the cited references. Allowance of claims 2-48 is respectfully requested. These dependent claims are also further distinguishable over the cited references, as addressed in further detail below.

Grow and Bedell, either alone, or in combination, fail to teach or suggest "wherein the web page associated with the hyperlink for docket information includes hyperlinks to electronic copies of litigation documents associated with docket entries" (claim 4), "wherein one of the categories identified by the hyperlinks is correspondence information, and wherein the web page associated with the hyperlink for correspondence information includes a plurality of correspondence entries, each correspondence entry including a description of a correspondence and a date of the correspondence" (claim 5), and "wherein the web page associated with the hyperlink for correspondence information includes hyperlinks to electronic copies of correspondence" (claim 6).

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In addition, claim 7 recites "wherein one of the categories identified by the hyperlinks is pleadings information, and wherein the web page associated with the hyperlink for pleadings information includes a plurality of pleadings entries, each pleadings entry including a description of a pleading." The Examiner submits this limitation is taught by Grow at column 12, line 20. (Office Action, page 3). The text the Examiner is referring to in Grow refers to a list of events for docketing, not a list of the actual pleadings information and pleadings entries including a description of a pleading as recited in claim 7. Bedell also fails to teach or suggest this claim limitation.

Further, Grow and Bedell, either alone, or in combination, also fail to teach or suggest "wherein each pleadings entry further includes a pleadings number, a date, and a source identifier identifying a source of the described pleading" (claim 8) and "wherein the web page associated with the hyperlink for pleadings information includes hyperlinks to electronic copies of pleadings documents" (claim 9).

In addition, claim 11 recites "wherein one of the categories identified by the hyperlinks is patent information, and wherein the web page associated with the hyperlink for patent information includes information regarding at least one patent involved in the litigation case." The Examiner admits that Grow does not disclose this limitation. (Office Action, page 3). Bedell also fails to teach or suggest this limitation.

Further, Grow and Bedell, either alone, or in combination, also fail to teach or suggest "wherein the web page associated with the hyperlink for patent information includes a hyperlink to an electronic copy of at least one patent" (claim 12), "wherein the web page associated with the hyperlink for patent information includes a hyperlink to an electronic copy of a file history of at least one patent" (claim 13), "wherein one of the categories identified by the hyperlinks is discovery information, and wherein the web page associated with the hyperlink for discovery information includes a plurality of discovery entries, each discovery entry including a description of a discovery document" (claim 14), "wherein the discovery entries further includes a date of service and a due date" (claim 15), "wherein the web page associated with the hyperlink for discovery information includes hyperlinks to electronic copies of discovery

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documents” (claim 16), and “wherein the discovery entries are grouped into subcategories including plaintiff’s discovery, defendant’s discovery, and depositions” (claim 17).

In addition, claim 18 recites “wherein one of the categories identified by the hyperlinks is expert information, and wherein the web page associated with the hyperlink for expert information includes information regarding experts used in the litigation case.” While Grow discloses an expert witness discovery date (col. 9, lines 5-6), Grow fails to teach or suggest expert information including information regarding experts used in the litigation case. Bedell also fails to teach or suggest this claim limitation.

Further, Grow and Bedell, either alone, or in combination, also fail to teach or suggest “wherein the web page associated with the hyperlink for expert information includes a plurality of hyperlinks to electronic copies of documents related to experts” (claim 19) and “wherein the plurality of hyperlinks to electronic copies of documents related to experts include hyperlinks to electronic copies of expert reports and expert depositions” (claim 20).

In addition, claim 21 recites “wherein one of the categories identified by the hyperlinks is court orders, and wherein the web page associated with the hyperlink for court orders includes a plurality of court order entries, each court order entry including a description of a court order.” While Grow allows a docket date to be assigned to a court order (col. 12, lines 25-29), Grow fails to teach or suggest a plurality of court order entries, each court order entry including a description of a court order. Bedell also fails to teach or suggest this claim limitation.

Further, Grow and Bedell, either alone, or in combination, also fail to teach or suggest “wherein the court order entries further include pleadings numbers and dates associated with the court orders” (claim 22), “wherein the web page associated with the hyperlink for court orders includes hyperlinks to electronic copies of court orders” (claim 23), “wherein the categories identified by the hyperlinks is trial information, and wherein the web page associated with the hyperlink for trial information includes a plurality of hyperlinks to electronic copies of documents to be submitted to a court for trial” (claim 24), “wherein the plurality of hyperlinks to electronic copies of documents to be submitted to a court for trial include hyperlinks to electronic copies of trial briefs, motions in limine, jury instructions, witness lists, and exhibit lists” (claim 25), “wherein the plurality of hyperlinks to electronic copies of documents to be

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submitted to a court for trial include hyperlinks to electronic copies of designations of deposition testimony and offers of settlement" (claim 26), and "wherein the one of the categories identified by the hyperlinks is motions, and wherein the web page associated with the hyperlink for motions includes a plurality of descriptions of motions and a plurality of hyperlinks to electronic copies of described motions" (claim 27).

In addition, claim 28 recites "wherein one of the categories identified by the hyperlinks is copy information, and wherein the web page associated with the hyperlink for copy information allows a user to specify a list of individuals that are provided a copy of a specified litigation document." The Examiner admits Grow fails to disclose this limitation. (Office Action, page 3). Bedell also fails to teach or suggest this limitation.

Further, Grow and Bedell, either alone, or in combination, also fail to teach or suggest "wherein the web page associated with the hyperlink for copy information allows a user to specify a manner in which the specified litigation document is provided to each of the individuals in the specified list" (claim 29), "wherein one of the categories identified by the hyperlinks is client information, and wherein the web page associated with the hyperlink for client information provides access to case budget information and conflict information" (claim 30), and "wherein the web page associated with the hyperlink for client information includes a plurality of hyperlinks to client information" (claim 31).

In addition, claim 32 recites "a search feature that allows a user to specify a search for litigation information related to the litigation case." While Grow discloses the host computer retrieves the requested web site and retrieves information input at the user workstation (col. 3, lines 14-15), Grow fails to teach or suggest a search feature as recited by claim 32. Bedell also fails to teach or suggest a search feature as recited by claim 32.

Further, claim 33 recites "wherein the homepage includes a status information identifier that identifies at least one litigation task that is due by a specified date." The Examiner admits that Grow does not disclose this limitation. (Office Action, page 3). Bedell also fails to teach or suggest this limitation.

In addition, Grow and Bedell, either alone, or in combination, also fail to teach or suggest "wherein the status information identifier is included on each of the plurality of web

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pages" (claim 34), "wherein each of the plurality of web pages includes the first plurality of user selectable hyperlinks" (claim 35), "wherein at least one of the plurality of web pages includes hyperlinks to electronic copies of litigation documents" (claim 36), "wherein the electronic copies of litigation documents include electronic copies of correspondence and pleadings" (claim 37), and "wherein the categories of litigation information identified by the first plurality of hyperlinks include at least one subcategory that is logically related to one of the other categories" (claim 41).

Further, Grow and Bedell, either alone, or in combination, also fail to teach or suggest "wherein the computer-based user interface further comprises electronic copies of litigation documents referenced by the plurality of web pages" (claim 43), "wherein the homepage includes a user selectable hyperlink for executing an application program" (claim 46), "wherein the application program is a document management system" (claim 47), and "wherein the document management system is Summation Blaze" (claim 48).

Amended independent claim 49 recites "wherein the categories and subcategories of litigation information include at least one of pleadings information, discovery information, court orders, and motions." Grow and Bedell, either alone, or in combination, do not teach or suggest this limitation of claim 49. Grow and Bedell also fail to teach or suggest the limitations of claim 49 for similar reasons as described above with reference to claim 1.

In view of the above, Grow and Bedell, either alone, or in combination, do not teach or suggest each and every limitation of claim 49. Applicants respectfully request entry of the amendment to claim 49, request that the rejection of claim 49 under 35 U.S.C. §103(a) be withdrawn, and request allowance of this claim. Dependent claims 50-61 further define patentably distinct claim 49. Accordingly, dependent claims 50-61 are also believed to be allowable over the cited references. Allowance of claims 50-61 is respectfully requested. These dependent claims are also further distinguishable over the cited references, as addressed in further detail below.

Grow and Bedell, either alone, or in combination, also fail to teach or suggest "wherein one of the categories is pleadings information" (claim 50), "wherein the subcategories include discovery information, court orders, and motions, and wherein the litigation information

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provided by the secondary pages related to the subcategories of discovery information, court orders, and motions is also provided by the secondary page related to the category of pleadings information" (claim 51), "wherein the plurality of categories and subcategories include at least as subset of the following: Contact information, docket information, case information, correspondence information, pleadings information, legal references information, discovery information, expert information, orders information, trial information, motions, and copy information" (claim 52), "wherein one of the plurality of categories is patent information" (claim 53), "wherein the primary page includes a status information identifier that identifies at least one litigation task that is due by a specified date" (claim 54), "wherein the status information identifier is included on each of the plurality of secondary pages" (claim 55), "wherein each of the plurality of secondary pages includes at least a subset of the plurality of links" (claim 56), "wherein at least one of the plurality of secondary pages includes links to electronic copies of litigation documents" (claim 57), "wherein the electronic copies of litigation documents are stored on a plurality of computers coupled to the computer network" (claim 58), "wherein the primary page includes a user-selectable hyperlink for executing an application program" (claim 59), "wherein the application program is a document management system" (claim 60), and "wherein the document management system is Summation Blaze" (claim 61).

Amended independent claim 62 recites "wherein the categories of litigation information include at least one of pleadings information, discovery information, court orders, and motions". Grow and Bedell, either alone, or in combination, do not teach or suggest this limitation of claim 62. Grow and Bedell also fail to teach or suggest the limitations of claim 62 for similar reasons as described above with reference to claim 1.

In view of the above, Grow and Bedell, either alone, or in combination, do not teach or suggest each and every limitation of claim 62. Applicants respectfully request entry of the amendment to claim 62, request that the rejection of claim 62 under 35 U.S.C. §103(a) be withdrawn, and request allowance of this claim. Dependent claims 63-69 further define patentably distinct claim 62. Accordingly, dependent claims 63-69 are also believed to be allowable over the cited references. Allowance of claims 63-69 is respectfully requested. These

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dependent claims are also further distinguishable over the cited references, as addressed in further detail below.

Grow and Bedell, either alone, or in combination, also fail to teach or suggest "wherein a plurality of categories of litigation information includes at least a subset of the following: Contact information, docket information, case information, correspondence information, pleadings information, legal references information, discovery information, expert information, orders information, trial information, motions, and copy information" (claim 63), "wherein the display of litigation information includes at least a subset of the plurality of links" (claim 64), and "wherein the displayed litigation information includes links to electronic copies of litigation documents related to the category corresponding to the first link" (claim 65).

Independent claim 70 recites "the secondary display screen including user-selectable links to electronic copies of litigation documents related to the identified litigation category." The Examiner admits Grow fails to disclose downloading of electronic copies being done via hyperlinks. (Office Action, page 3). Bedell also does not teach or suggest "the secondary display screen including user-selectable links to electronic copies of litigation documents related to the identified litigation category", as recited in claim 70. For the same reasons as discussed above with reference to claim 1, Applicants contend that the limitations of claim 70 are not taught or suggested by Grow and Bedell, either alone, or in combination.

In view of the above, Grow and Bedell, either alone, or in combination, do not teach or suggest each and every limitation of claim 70. Applicants respectfully request that the rejection of claim 70 under 35 U.S.C. §103(a) be withdrawn, and request allowance of this claim. Dependent claims 71-74 further define patentably distinct claim 70. Accordingly, dependent claims 71-74 are also believed to be allowable over the cited references. Allowance of claims 71-74 is respectfully requested. These dependent claims are also further distinguishable over the cited references, as addressed in further detail below.

Grow and Bedell, either alone, or in combination, also fail to teach or suggest "receiving document selection information from a user identifying one of the user selectable links to electronic copies of litigation documents; and generating a display of an electronic copy of a litigation document corresponding to the identified link" (claim 71), "wherein the plurality of

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user selectable litigation categories pleading information, and wherein the at least one user selectable litigation subcategory includes discovery information, and wherein the litigation information related to the discovery information subcategory is a subset of a litigation information related to the pleadings category” (claim 72), “wherein the plurality of user-selectable litigation categories includes pleadings information, and wherein the at least one user selectable litigation category includes motions, and wherein the litigation information related to the motions subcategory is a subset of the litigation information related to the pleadings category” (claim 73), and “wherein the plurality of user selectable litigation categories includes pleadings information, and wherein the at least one user selectable litigation subcategory includes court orders, and wherein the litigation information related to the court orders subcategory is a subset of the litigation information related to the pleadings category” (claim 74).

Independent claim 75 recites “a plurality of litigation case selection pages, each litigation case selection page including at least one hyperlink identifying at least one litigation case associated with a particular client; a plurality of litigation case home pages, each litigation case home page associated with one of the identified litigation cases, each litigation case home page including a first plurality of hyperlinks.”

While Grow discloses a data entry screen (col. 7, lines 57-65) and Bedell discloses an initial screen (col. 19, lines 4-6), Grow and Bedell, either alone, or in combination, fail to teach or suggest a plurality of litigation case selection pages and a plurality of litigation case home pages. Grow and Bedell also fail to teach or suggest the limitations of claim 75 for similar reasons as described above with reference to claim 1.

In view of the above, Grow and Bedell, either alone, or in combination, do not teach or suggest each and every limitation of claim 75. Applicants respectfully request that the rejection of claim 75 under 35 U.S.C. §103(a) be withdrawn, and request allowance of this claim. Dependent claims 76-79 further define patentably distinct claim 75. Accordingly, dependent claims 76-79 are also believed to be allowable over the cited references. Allowance of claims 76-79 is respectfully requested. These dependent claims are also further distinguishable over the cited references, as addressed in further detail below.

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Claim 76 recites "wherein the user interface information further comprises: a plurality of topics pages, each topics pages associated with a particular client and including a plurality of hyperlinks identifying a plurality of topics, the plurality of hyperlinks identifying a plurality of topics including a litigation hyperlink; and wherein each litigation case selection page is associated with a litigation hyperlink on one of the plurality of topics pages." The Examiner admits that Grow fails to disclose these claim limitations (Office Action, page 5). Bedell also fails to teach or suggest these claim limitations.

Further, Grow and Bedell, either alone, or in combination, also fail to teach or suggest "wherein the litigation hyperlink is associated with active litigation cases, and wherein the plurality of hyperlinks identifying a plurality of topics further comprises an inactive litigation hyperlink associated with inactive litigation cases" (claim 77), "wherein the plurality of hyperlinks identifying a plurality of topics further comprises a competitor's hyperlink that provides a link to information about a particular client's competitors" (claim 78), and "wherein the plurality of hyperlinks identifying a plurality of topics further comprises a prosecution hyperlink that provides a link to information about a particular client's intellectual property applications" (claim 79). Regarding claims 77-79, the Examiner merely states that:

all claim limitations regarding the use of inactive hyperlinks, links to client's competitors as well as client's intellectual property applications are well known in the art. It would have been obvious to an artisan at the time of the invention to include these features with the teaching of Grow in order to facilitate users navigation of web pages, as well as to provide users with means to quickly access pertinent and critical litigation information. (Office Action, page 5).

Grow and Bedell both fail to teach or suggest the limitations recited by claims 77-79.

Amended independent claim 80 recites "wherein the litigation information related to the category identified by the first one of the hyperlinks includes a plurality of litigation information entries, each litigation information entry including a description of the litigation information and a hyperlink to an electronic copy of a litigation document associated with the litigation information entry."

The Examiner admits that Grow fails to disclose a detailed description of all the information and the downloading of electronic copies being done via hyperlinks. (Office

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Action, page 3). Bedell also fails to teach or suggest a description of the litigation information for each litigation information entry and a hyperlink to an electronic copy of a litigation document associated with the litigation information entry. Grow and Bedell also fail to teach or suggest the limitations of claim 80 for similar reasons as described above with reference to claim 1. In addition, as in the previous Office Action, the Examiner has again failed to address claim 80 in this Office Action.

In view of the above, Grow and Bedell, either alone, or in combination, do not teach or suggest each and every limitation of claim 80. Applicants respectfully request entry of the amendment to claim 80, request that the rejection of claim 80 under 35 U.S.C. §103(a) be withdrawn, and request allowance of this claim.

Independent claim 81 recites “a home page including a correspondence hyperlink and a pleadings hyperlink; a correspondence web page associated with the correspondence hyperlink, the correspondence web page including a plurality of correspondence entries, each correspondence entry including identifying information for a correspondence related to the at least one litigation case; and a pleadings web page associated with the pleadings hyperlink, the pleadings web page including a plurality of pleading entries, each pleading entry including identifying information for a pleading related to the at least one litigation case.”

For the same reasons as discussed above with reference to independent claim 1 and dependent claim 7, Applicants contend that the limitations of claim 81 are not taught or suggested by Grow and Bedell, either alone, or in combination.

In view of the above, Grow and Bedell, either alone, or in combination, do not teach or suggest each and every limitation of claim 81. Applicants respectfully request that the rejection of claim 81 under 35 U.S.C. §103(a) be withdrawn, and request allowance of this claim. Dependent claims 82 and 83 further define patentably distinct claim 81. Accordingly, dependent claims 82 and 83 are also believed to be allowable over the cited references. Allowance of claims 82 and 83 is respectfully requested. These dependent claims are also further distinguishable over the cited references, as addressed in further detail below.

Grow and Bedell, either alone, or in combination, also fail to teach or suggest “wherein the correspondence web page includes hyperlinks to electronic copies of correspondence related

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to the at least one litigation case” (claim 81) and “wherein the pleadings web page includes hyperlinks to electronic copies of pleadings documents” (claim 83).

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CONCLUSION

In view of the above, Applicants respectfully submit that pending claims 1-83 are in form for allowance and are not taught or suggested by the cited references. Therefore, reconsideration and withdrawal of the rejections and allowance of claims 1-83 is respectfully requested.

No fees are required under 37 C.F.R. 1.16(b)(c). However, if such fees are required, the Patent Office is hereby authorized to charge Deposit Account No. 50-0471.

The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application.

Any inquiry regarding this Response should be directed Jeff A. Holmen at Telephone No. (612) 573-0178, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

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CERTIFICATE UNDER 37 C.F.R. 1.8:

The undersigned hereby certifies that this paper or papers, as described herein, are being transmitted via telefacsimile to Examiner Sy D. Luu, Group Art Unit 2174, at Fax No. (571) 273-8300 on this 28th day of December, 2005.

By: Jeff A. Holmen

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